

Lofgren Statement Opposing H.R. 1176

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Washington, DC – Rep. Zoe Lofgren (D-San Jose) gave the following statement on the House Floor today in opposition to H.R. 1176, the Nonprofit Athletic Organization Protection Act of 2005:

Please click on the above picture for a video of Rep. Lofgren's floor statement

"This bill I believe is trying to protect sports organizations, but unfortunately it does leave children unprotected from child molesters. We know that sexual predators volunteer to be involved with children's sports programs and pedophiles routinely use the bond between coach and athlete to prey on children.

"A Seattle Times investigation uncovered 159 coaches who had been reprimanded or fired for sexual misconduct between 1993 and 2003, and of those coaches, 98 continued to coach or teach children. An investigation in Texas uncovered 60 incidents of high school coaches being fired or reprimanded as a result of allegations ever sexual misconduct with minors. Last month a Maryland high school basketball coach was charged with abusing three minors.

"The amendment to the bill that's been mentioned doesn't fix the problem of providing liability relief to these nonprofits. The bill exempts claims based on federal, state, and local statutes concerning sexual assault molestation or harassment. But the bill grants complete immunity for claims of negligence in establishing rules related to adult supervision.

"I would like to read a small portion of a letter from a scholar, Professor Andy Popper, a professor at the American University School of Law.

'Common law torts claims for failure to exercise due care in hiring coaches investigating backgrounds or overseeing inappropriate activity would be actual but I think a plain reading of section 4-d and section 5 suggests that those claims would be barred and that is really quite horrendous. From the perspective 6 children who might be victimized by adults treated in ways that are patently destructive from an emotional or psychological vantage point. What possible reason could there be to pass this bill?'

"He goes on to say:

'After reading this bill, I see no language that exempts state common law tort claims. To the contrary, the specific areas exempted, labor law, antitrust law, statutory claims, etc. suggest that Congress intends to limit -- to exempt very specific areas only. Given that list in 4-d, unless the bill were amended to include an exemption for all state common law tort claims, the bill will be seen as a bar to cases involving negligent hiring, failing to assess background, negligent oversight of individuals who may well do great harm to children, to athletes, to those most in need of protection.'

"I would like to note the national alliance to end sexual violence has asked us to vote against this bill as amended. For the reason why, I will quote from President Hostler's letter:

'As a victim advocacies organization, we believe the passage of this bill would create serious problems for victims and would not allow them to hold perpetrators and organizations responsible.'

"Now, the amended bill tells athletic organizations that they owe children no duty of care. The bill takes away any incentive to take reasonable steps to keep child molesters out and to keep children safe.

"Do I suggest that the authors of this bill intend to protect child molesters? I can't imagine that they do. But the intent doesn't matter.

"We are writing law here. And the impact of adopting this bill would in fact be to protect child molesters. I'm someone who really believes in Little League. My dad was a Little League manager my entire young life. I have strong memories of sitting in the stands day after day, month after month, watching my brother catch the ball.

"I believe in Little League. I also know that my dad, were he alive today, would say I don't believe in protecting child molesters."

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Lofgren Opposes Trade Bill Because of Vietnam PNTR Provision

Washington, DC – Rep. Zoe Lofgren (D-San Jose) released the following statement today in opposition to H.R. 6406, a trade bill including a provision to grant Vietnam permanent normal trade relations (PNTR) with the U.S. H.R. 6406 passed the House by a vote of 212-184:

"Mr. Speaker, unfortunately the Republican Chairman of the Ways and Means Committee introduced a 259-page trade bill that was delivered too late for most of us to really study. Many of us have not had a chance to thoroughly read the bill, let alone participate in committee hearings or a markup on the bill.

"Regardless, we are on the House floor tonight getting ready to vote on a bill we know very little about.

"Tucked away on page 74 of this 259-page bill is what appears to be a small provision on extending permanent normal trade relations (PNTR) with Vietnam, a bill that failed in the House last month.

"Although I support some provisions in the bill before us, I am voting against H.R. 6346 because the PNTR provision does not do anything to improve human rights conditions in Vietnam.

"We have a unique opportunity to significantly affect the state of human rights and political and religious freedom in Vietnam. It is a mistake not to use the leverage of PNTR to begin to gain these improvements in Vietnam.

"Just two months ago, the Vietnamese government arrested my constituent, a U.S. citizen, Cong Thanh Do. Mr. Do had posted comments on the internet while at home in San Jose, California advocating that Vietnam undergo a peaceful transition to a multi-party democracy. For exercising his U.S. Constitutional right of free speech, the Vietnamese arrested him and held him in prison for 38 days in Vietnam without charges.

"Other U.S. citizens have been imprisoned in Vietnam for what appear to be political reasons, including the sister of another one of my constituents, Thuong Nguyen "Cuc" Foshee, who was also released after pressure from U.S. legislators in the time before consideration of PNTR.

"These Americans were freed, not because Vietnam had a sudden change of heart on human rights in their country, but precisely because they care so deeply about gaining permanent normal trade relations with the U.S. Given this experience, we know Vietnam is willing to make changes on human rights if we demand it in exchange for PNTR.

"Sadly, although both Mr. Do and Ms. Foshee are free today and back in America, I am concerned about hundreds of Vietnamese nationals as well as other U.S. citizens imprisoned in Vietnam.

"The Vietnamese government has repeatedly violated human rights. Hundreds of Vietnamese have been imprisoned, put under house arrest, or placed under intense surveillance for simply practicing their religion or speaking out about democracy and human rights in Vietnam.

"Following his return to the U.S., Mr. Do provided me a disturbing list of over 130 Vietnamese nationals and U.S. citizens

he believes are currently imprisoned in Vietnam as prisoners of conscience or harassed by the government for simply speaking about democracy and human rights.

"In addition, groups such as the Human Rights Watch have published reports of 355 Montagnard prisoners of conscience currently imprisoned in Vietnam.

"I am not alone in my concerns about Vietnam's human rights record. The Department of State, the U.S. Commission on International Religious Freedom, Amnesty International, the Committee to Protect Journalists, and various Vietnamese-American groups have documented egregious violations of religious freedom, human rights, and free speech in Vietnam.

"I have been a supporter of international trade. But I also know that the Vietnamese Government would correct their behavior in order to perfect a trading relationship with the United States. Given the alarming human rights violations currently underway in Vietnam, it seems a mistake for our country to grant PNTR to Vietnam without requiring that the Vietnamese government make significant improvements in respecting human rights, free speech, and freedom of religion.

"The United States of America has a long and honorable tradition of safeguarding freedom and human rights throughout the world, especially with our trading partners. We should not make an exception for Vietnam.

"At a time when we are spending 8 to 10 billion dollars a month and shedding the blood of our American servicemen and women proclaiming the cause to be democracy for Iraq, how is it that we can fail to use our mere economic leverage to try to achieve human rights in Vietnam?

"With Vietnam's strong interest in PNTR, Congress has a unique opportunity to bring about substantive improvements in human rights. We should not pass up this one-time opportunity by sneaking through PNTR in a 259-page bill that was just introduced just yesterday in the last week of a lame duck Congress."